

Article - Education

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§16-711. NOT IN EFFECT

**** TAKES EFFECT SEPTEMBER 1, 2022 PER CHAPTERS 16 AND 27 OF THE 2021 SPECIAL SESSION ****

(a) If in the course of collective bargaining a party determines that an impasse exists, that party may request the services of the Board in mediation or engage another mutually agreeable mediator.

(b) (1) By mutual agreement, the parties may engage in mediation.

(2) (i) If there is not mutual agreement, either party may petition the Board to initiate fact-finding.

(ii) 1. After considering the status of bargaining and the budget schedule of the public employer, the Board may find that an impasse exists and may notify the parties that fact-finding is to be initiated.

2. A public employer and the exclusive representative may select their own fact finder.

3. A. If the parties have not selected their own fact finder within 5 days after the required notification, the Board shall submit to the parties the names of five qualified individuals.

B. Each party alternately shall strike two names from the list with the remaining individual being the fact finder.

4. The fact finder selected by the parties shall conduct hearings and may administer oaths.

5. The fact finder shall make written findings of fact and recommendations for resolution of the impasse.

6. Not later than 30 days after the date of appointment, the fact finder shall transmit the findings to the public employer, the exclusive representative, and the Board.

7. If the impasse continues 10 days after the report is submitted to the parties, any unresolved noneconomic language items that are subject to fact-finding shall be referred to the Board.

(c) The parties shall bear equally the costs of fact-finding.

(d) The Board, on receipt of the report and certification of unresolved noneconomic language items, shall provide the parties with an opportunity to submit additional position statements and issue a written decision adopting:

- (1) The final proposal of the public employer;
- (2) The final proposal of the exclusive representative; or
- (3) The fact finder's final offer or resolution.

(e) The Board's written decision is final and binding on the public employer and the exclusive representative.

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